

SCHERING-PLOUGH CORPORATION
LAW DEPARTMENT
2000 GALLOPING HILL ROAD
K-6-1, MAIL STOP 1990
KENILWORTH, NEW JERSEY 07033
(908) 298-4000

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FACSIMILE TRANSMITTAL SHEET

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TO: COMMISSIONER FOR
PATENTS, USPTO

FAX NUMBER:
(703) 872-9306

FROM: Sandy Zaradic, Ph.D., Patent Agent

PHONE NUMBER:
(908) 298-7221

TOTAL NO. OF PAGES INCLUDING COVER
12

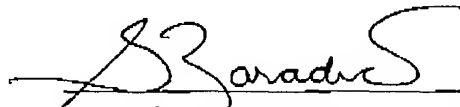
DATE
August 3, 2004

CONFIDENTIALITY NOTE: This sheet and/or the document(s) accompanying it contain information belonging to Schering-Plough Corporation and/or its affiliates which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named above. If you have received this fax in error, please immediately notify us by telephone. If there is a problem with this transmission please call Angela Kiausas at (908) 298-2907.

Application No.: 10/786,886
Applicant: Andrews et al.
Filed: February 25, 2004
TC/A.U.: 1614
Docket No.: CD0787Q1
Customer No.: 24265

Transmitted herewith are:

- Petition for Refund of Fee for Late Oath - 1 page
- USPTO Deposit Account Statement (06/2004)- 1 page
- Utility Patent Application Transmittal (02/25/2004 copy) - 1 page
- Return Postcard (02/25/2004 copy) - 1 page
- Notice to File Missing Parts - copy - 2 pages
- Fee Submission-Missing Parts (06/14/2004 copy) - 1 page
- Fee Transmittal (06/14/2004 copy) - 1 page
- Declaration (executed copy) - 2 pages
- Certificate of Fax Transmission - 1 page
- Fax Cover Sheet - 1 page


SANDY S. ZARADIC, PH.D.
REGISTERED REPRESENTATIVE
REGISTRATION NO. 45,997

45349_1.DOC

PHONE: (908) 298-7221

FAX: (908) 298-5388

Attorney Docket No.: CD0787Q1

Application No.: 10/786,886

Filing Date: 02/25/2004

First Named Inventor: Andrews et al.

PTO/SB/07 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 703-872-9306)

on August 3, 2004

Date



Signature

SANDY ZARADIC, Reg. No. 45,997

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Document(s) being transmitted:

Petition for Refund of Fee for Late Oath - 1 page USPTO Deposit Account Statement (06/2004)- 1 page
Utility Patent Application Transmittal (02/25/2004 copy) - 1 page
Return Postcard (02/25/2004 copy) - 1 page
Notice to File Missing Parts (05/18/2004 copy) - 2 pages
Fee Submission-Missing Parts (06/14/2004 copy) - 1 page
Fee Transmittal (06/14/2004 copy) - 1 page
Declaration (executed copy) - 2 pages
Certificate of Fax Transmittal - 1 page Fax Cover Sheet - 1 page

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**OFFICIAL**

Appl. No. : 10/786,886 Confirmation No. 1893
Applicant : David R. Andrews *et al.*
Filed : February 25, 2004
TC/A.U. : 1614
Examiner : not assigned yet
Docket No. : CD0787Q1
Customer No. : 24265

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August 3, 2004

Commissioner for Patents
P.O. Box 1450
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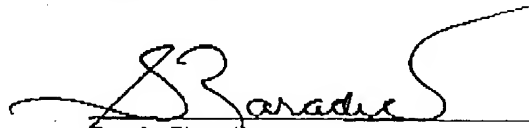
REFUND OF FEE FOR LATE OATH OR DECLARATION

Applicants respectfully request a refund of \$130 for application 10/786,886 posted on June 18, 2004 (denoted as Control No. 106 in the Monthly Statement of Deposit Account page enclosed herein). This charge represents a late filing fee for an Oath or Declaration which was listed as due in the Notice to File Missing Parts (a copy of which is enclosed herein). But, an executed Declaration was filed concurrently with this specification on February 25, 2004 (as evidenced by copies of the corresponding Utility Patent Application transmittal and returned postcard). This was pointed out in responding to the Notice to File Missing Parts (as reflected in the copies provided herein). Consequently, no late fee is due.

If there are any questions regarding this matter, please contact the undersigned.

Respectfully submitted,

SCHERING-PLOUGH CORPORATION
Patent Department, K-6-1, 1990
2000 Galloping Hill Road
Kenilworth, New Jersey 07033-0530


Sandy Zaradic, Ph.D.
Reg. No. 45,997
Patent Agent
(908) 298-7221



**United States
Patent and
Trademark Office**



Deposit Account Statement

Requested Statement Month: June 2004
 Deposit Account Number: 190365
 Name: SCHERING-PLOUGH CORP.
 Attention: PATENT DEPARTMENT K-6-1 1990
 Address: 2000 GALLOPING ROAD
 City: KENILWORTH
 State: NJ
 Zip: 07033-0530

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
06/02	99	60575126	PD06180L01US	1005	\$160.00	\$107,616.05
06/02	109	60575115	CV06197 L 1	1005	\$160.00	\$107,456.05
06/03	27	29196844	FC06153 01	1051	\$130.00	\$107,326.05
06/03	28	29196844	FC06153 01	1251	\$110.00	\$107,216.05
06/04	21	10857695	AH06056US01	1001	\$770.00	\$106,446.05
06/04	22	10857695	AH06056US01	1202	\$144.00	\$106,302.05
06/04	43	60576153	IM06176L01US	1005	\$160.00	\$106,142.05
06/04	113	10705282	CV01185K1X	1051	\$130.00	\$106,012.05
06/04	114	10705282	CV01185K1X	1252	\$420.00	\$105,592.05
06/08	4	P-109043		1460	\$130.00	\$105,462.05
06/08	9	10860703	OC01121K1	1001	\$770.00	\$104,692.05
06/08	10	10860703	OC01121K1	1202	\$36.00	\$104,656.05
06/08	123	29187920	FC06085-01	8021	\$40.00	\$104,616.05
06/09	50	10304939	CN01522K1	1251	\$110.00	\$104,506.05
06/09	51	10304939	CN01522K1	1814	\$110.00	\$104,396.05
06/09	63	10759859	DE01047	1051	\$130.00	\$104,266.05
06/10	17	10735983	OC06001-01	8021	\$40.00	\$104,226.05
06/14	22	10791910	CV06025US01	1051	\$130.00	\$104,096.05
06/15	21	10864218	CV01148KQ	1001	\$770.00	\$103,326.05
06/15	22	10864218	CV01148KQ	1202	\$360.00	\$102,966.05
06/15	59	09994444	DX0669KB	1401	\$330.00	\$102,636.05
06/15	60	09994444	DX0669KB	1253	\$950.00	\$101,686.05
06/18	13	60579920	CN06202L01US	1005	\$160.00	\$101,526.05
06/18	88	10867586	JB01641K	1001	\$770.00	\$100,756.05
06/18	89	10867586	JB01641K	1202	\$234.00	\$100,522.05
06/18	105	10786886	CD0787Q1	1001	\$770.00	\$99,752.05
→ 06/18	106	10786886	CD0787Q1	1051	\$130.00	\$99,622.05 ←
06/18	119	10867600	CD06069US01	1001	\$770.00	\$98,852.05
06/18	120	10867600	CD06069US01	1201	\$172.00	\$98,680.05
06/18	121	10867600	CD06069US01	1202	\$126.00	\$98,554.05

PTO/SB/05 (06-03)

Approved for use through 07/31/2003. OMB 0651-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>	Attorney Docket No.	CD0787Q1
	First Inventor	ANDREWS
	Title	CRYSTALLINE ANTIFUNGAL POLYMORPH
	Express Mail Label No.	BV 334449220 US

APPLICATION ELEMENTS <i>See MPEP chapter 600 concerning utility patent application contents.</i>	ADDRESS TO: Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450
--	---

1. <input type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) <i>(Submit an original and a duplicate for fee processing)</i> 2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. 3. <input checked="" type="checkbox"/> Specification <i>[Total Pages 27]</i> <i>(preferred arrangement set forth below)</i> - Describe title of the invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure 4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) <i>[Total Sheets 10]</i> 5. Oath or Declaration <i>[Total Sheets _____]</i> a. <input type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 18 completed)</i> i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). 6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) 8. Nucleic Acid and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i> a. <input type="checkbox"/> Computer Reader Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> Paper c. <input type="checkbox"/> Statements verifying identity of above copies ACCOMPANYING APPLICATION PARTS 9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of <i>(when there is an assignee)</i> Attorney 11. <input type="checkbox"/> English Translation Document (if applicable) 12. <input type="checkbox"/> Information Disclosure <input type="checkbox"/> Copies of IDS Statement (IDS)/PTO-1449 Citations 13. <input checked="" type="checkbox"/> Preliminary Amendment (5 pgs +10 pgs. 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i> Drawings) 15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i> 16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 <i>(b)(2)(B)(i). Applicant must attach form PTO/SB/35</i> <i>or its equivalent.</i> 17. <input type="checkbox"/> Other:
---	---

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

<input checked="" type="checkbox"/> Continuation	<input type="checkbox"/> Divisional	<input type="checkbox"/> Continuation-in-part (CIP)	of prior application No.: 09/166,445
Prior application information: Examiner <u>Emily B. Bernhardt</u> Art Unit <u>1624</u> For CONTINUATION OF DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.			

19. CORRESPONDENCE ADDRESS			
<input checked="" type="checkbox"/> Customer Number.	24265	OR <input type="checkbox"/> Correspondence address below	
Name	Thomas D. Hoffman, Reg. No. 28221		
Address			
City	State	Zip Code	
Country	Telephone	908-298-5037	Fax 908-298-5388

Name (Print/Type)	THOMAS D. HOFFMAN	Registration No. (Attorney/Agent)	28221
Signature	<i>Thomas D. Hoffman</i>	Date	February 25, 2004

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
 If you need assistance in completing the form, call 1-800-PTO-8199 and select option 2.

**PATENT DEPARTMENT
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MAR 09 2004

Computer Input _____

Date: _____

PA: WAX ng 2/16/04 34

Attny: _____

☐ FILE ☐ CHECK FILE

RECEIVED IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: ANDREWS, et al.Serial No.: To be Assigned Atty.: TDH;ppsFiled: 02/25/2004 Case No.: CD0787Q1For: CRYSTALLINE ANTIFUNGAL POLYMORPH

Enclosed:

Application papers comprising:

☐ Transmittal for Filing Provisional Appln. (PTO/SB/16)

In Duplicate

☒ Transmittal for Filing Utility Patent Appln. (PTO/SB/05)☐ Transmittal for Filing Design Patent Appln. (PTO/SB/18)C 22 Pgs. of SpecificationO 4 Pgs. of Claims / No. of Claims 5P 1 Pgs. of AbstractY 10 Pgs. of Drawings (Formal/Informal)2 Pgs. of Application Data Sheet2 Pgs. of S-P Patent Application Cover Sheet2 Pgs. Declaration/Power of Attorney1 Pgs. of Preliminary Amendment5 Pgs. of Sequence Listing1 Pgs. of Sequence Listing Statement☐ Sequence Listing Diskette1 Pgs. of Information Disclosure Statement1 Pgs. of Form PTO 1449 (No. of documents 1)☐ Fee Transmittal (PTO/SB/17) in Duplicate☐ Charge to Deposit Account No. 19-0365

in the amount of \$ _____

☒ 10 Pages of Drawings (Formal)☐☐Date Mailed: 02/25/2004Express Mail Label No.: EV 334449220 US17548 U.S. PTO
10/786886

022504

4165 (2/03)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/786,886	02/25/2004	David R. Andrews	CD0787Q1

24265
 SCHERING-PLOUGH CORPORATION
 PATENT DEPARTMENT (K-6-1, 1990)
 2000 GALLOPING HILL ROAD
 KENILWORTH, NJ 07033-0530

PATENT DEPARTMENT
 RECEIVED

CONFIRMATION NO. 1893

FORMALITIES LETTER

MAY 20 2004



0000000012702677

Atty

Date Mailed: 05/18/2004

☐ FILE ☐ CHECK FILE

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

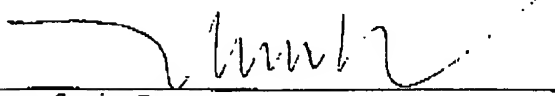
Total additional fee(s) required for this application is \$900 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

File Missing Parts
RESPONSE DUE: 7-19-04
OFFICE ACTION DUE: 7-19-04

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/786,886 Confirmation No. 1893
Applicant : David R. Andrews *et al.*
Filed : February 25, 2004
TC/A.U. : not assigned yet
Examiner : not assigned yet
Docket No. : CD0787Q1
Customer No. : 24265

June 14, 2004

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FEE SUBMISSION - MISSING PARTS

This is in response to the Notice to File Missing Parts of Nonprovisional Application (Confirmation No. 1893) dated May 18, 2004 (copy enclosed), in the above-identified application. Provision for payment of the following fee (large entity) is enclosed herewith.

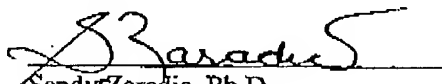
\$770 Statutory basic filing fee.

Applicants respectfully note that, as indicated on the return postcard dated February 25, 2004, the Declaration was filed along with the specification in this case. Copies of the previously submitted Declaration as well as the return postcard dated February 25, 2004 are enclosed herewith.

If there are any questions, the Office is invited to contact the undersigned.

Respectfully submitted,

SCHERING-PLOUGH CORPORATION
Patent Department, K-6-1, 1990
2000 Galloping Hill Road
Kenilworth, New Jersey 07033-0530
Fax: 908-298-5388


Sandy Zaradic, Ph.D.
Reg. No. 45,997
Patent Agent for Applicants
(908) 298-7221

Copy

Approved for use through 07/31/2006, OMB 0651-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 770.00)

Complete if Known

Application Number 10/786,886
Filing Date 02/25/2004
First Named Inventor David R. Andrews et al.
Examiner Name
Art Unit
Attorney Docket No. CD0787Q1

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account

Deposit Account Number 19-0365
Deposit Account Name Schering-Plough Corporation

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	770.00
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$ 770.00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims -20* = X =
Independent Claims -3** = X =
Multiple Dependent =

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

*or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	Non-English specification	
1812 2,520	2812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	2804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	2805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 650	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	2451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	2460 130	Petitions to the Commissioner	
1807 50	2807 50	Processing fee under 37 CFR 1.17(a)	
1806 180	2806 180	Submission of Information Disclosure Stmt	
8021 40	28021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	2802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Name (Print/Type) SANDY ZARADIC

Registration No. 45,997

(Complete if applicable)

Telephone 908-298-7221

Signature

Date June 14, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2033.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

DECLARATION AND POWER OF
ATTORNEY FOR PATENT APPLICATION

Attorney's Docket No. CD07870

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name:

I believe I am the original, first sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CRYSTALLINE ANTIFUNGAL POLYMORPH

the specification of which

☒ is attached hereto.☐ was filed on _____ as Application Serial No. _____
and was amended on _____ (if applicable).☐ was filed on _____ as PCT International Application No. _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

Priority Claimed

(Number)

(Country)

(Day/Month/Year Filed)

Yes or No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

60/061,23110/07/97

(Application Number)

(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)

(Filing Date)

(Status — patented, pending, abandoned)

Power of Attorney: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in Patent and Trademark Office connected therewith. (List name and registration number.)

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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of First Inventor	Signature of Second Inventor	Signature of Third Inventor
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Date 10/1/98	Date 10/1/98	Date 10/1/98

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